

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WA.No. 1541 of 2007

AGAINST THE JUDGEMENT IN WP(C) NO..32221/2006 Dated 05/12/2006

APPELLANTS: PETITIONERS:

1. BALACHANDRAN NAIR.P., SNEHATHERAM,
HSA, GOVT.H.S.S.S. PERIYA, PALLIKKARA VIA,
KASARAGOD.
2. VELAYUDHAN P.,S/O.K.RAMAN ACHARI,
HSA, PUTHIYAKANDOM, HOSDRUG, KASARAGOD.
3. BOBBY GEORGE, S/O.P.T.GEORGE,
(NOT IN SERVICE), PALATHURUTHIL HOUSE,
RAJAPURAM P.O., KASARAGOD.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS: RESPONDENTS:

1. UNIVERSITY OF KERALA, REPRESENTED BY
ITS REGISTRAR, THIRUVANANTHAPURAM.
2. CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY, THIRUVANANTHAPURAM.

BY STANDING COUNSEL FOR KERALA UNIVERSITY
SRI.M.RAJAGOPALAN NAIR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A. NO. 1541 OF 2007

Dated this the 10th July, 2007

JUDGMENT

H.L. DATTU, C.J.

Appellants are calling in question the correctness or otherwise of the judgment delivered by the learned single Judge in W.P.(C) No.32221 of 2006, dated 5.12.2006. By the impugned judgment, the learned single Judge has rejected the Writ Petition and thereby, has confirmed the view expressed by the Controller of Examinations, Kerala University, Thiruvananthapuram.

2. Appellants/petitioners have taken Post-Graduate Degree from the Annamalai University Through Distant education. Thereafter, they have gone before the second respondent, namely, The Controller of Examinations, Kerala University, Thiruvananthapuram, to issue certificate of equivalency to the Degree with that of similar degrees awarded by the Kerala University. That request is rejected by the respondents by their endorsement on the very applications filed by the petitioners. The endorsement issued reads as under:

“The degree is not recognised at present by the University of Kerala.”

3. Aggrieved by the said endorsement, the petitioners were before this court in the aforesaid Writ Petition.

4. One of the contentions canvassed by the petitioners in the Writ Petition is that the respondents without assigning appropriate reasons could not have mechanically rejected a reasonable request made by the

petitioners. Therefore, it was contended that the endorsement so issued by the respondents is one without jurisdiction and in violation of the principles enshrined in Article 14 of the Constitution. It is further stated that the endorsement is not a speaking order and that the authority before issuing the said endorsement had not applied its mind. Learned single Judge without considering this aspect of the matter has rejected the Writ Petition.

5. At the time of hearing of this Writ Appeal, learned counsel appearing for the appellants would submit that even while rejecting a reasonable request of the petitioners the second respondent ought to have assigned appropriate reasons. Since that is not forthcoming in the endorsement issued, this Court should interfere and direct the respondent University to reconsider the request made by the petitioners.

6. Per contra, learned counsel for the University sought to justify the impugned judgment.

7. It is an admitted fact that the petitioners have obtained Post-Graduate Degree from the Annamalai University through distant education. They are of the opinion that the degree that they have obtained is equivalent to a degree awarded by the University of Kerala. Being of that opinion, they have approached the second respondent to recognise their degree. While considering the said applications and passing of an order in one way or other, the respondents ought to have given reasons. Since that is not done in the instant case, the endorsement so made is arbitrary, illegal and in violation of the principles of natural justice. Further, whenever

an authority passes an order, the order should speak for itself, in the sense, it should contain appropriate reasons. In the instant case the reasons are not forthcoming. Therefore, it is difficult for us to sustain the endorsement made by the respondents.

8. Accordingly the following:

ORDER

- i) The Writ Appeal is disposed of. The order passed by the learned single Judge is set aside.
- ii) A direction is issued to the petitioners to make fresh applications before the second respondent inter alia requesting the University to consider the Post-Graduate Degree obtained by them from Annamalai University through distant education is equivalent to the degree awarded by the University of Kerala. If such applications are filed, the respondents are directed to consider the same in accordance with law without being influenced by the observations made by the learned Judge in the course of his order and issue appropriate endorsement to the petitioners keeping in view the observations made by us in the course of this judgment.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/DK.